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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,640	05/03/2006	Christoph Willing	WILLING-1 PCT	9020
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COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER				
SELLS, JAMES D				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/573,640

Applicant(s)

WILLING, CHRISTOPH

Examiner

James Sells

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tennby et al (US Patent 6,471,804) in view of Shimizu et al (EP 0,818,188 A2) in further view of Inselmann (US Patent 5,261,997).

Tennby discloses a method for fixing pieces of material on a continuous web. As shown in Fig. 1, in first station 3, pieces or strips of material 2 are transversely cut by cutting roll 12 and stay 13 and are fed via vacuum transport drum 10 to web 4. Ultrasonic horn 17 cooperates with jaw portions 14 on drum 10 to weld the strips 2 to web 4. Station 3 appears to fix the strips of material 2 by local melting and flow processes (i.e. basting) in the manner claimed by the applicant. At second station 6, ultrasonic horn 18 cooperates with anvil roll 19 to further pattern bond the strips 2 to web 4 to form laminate 1 in the manner claimed by the applicant. Tennby discloses that absorbent products such as diapers or nappies can be made using this method and that the invention can also be used within other areas in which one or more shorter pieces of material are to be fixed on one or more continuous webs. Station 3 with ultrasonic horn 17 is spatially separate from station 6 with ultrasonic horn 18. See col. 1, lines 13-17.

However, Tennby does not disclose the hook fasteners as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Shimizu et al.

Shimizu discloses a disposable diaper which is provided with hook fastener tapes 21 attached to diaper 1. See Fig. 1 and col. 1, lines 6-21 and col. 3, lines 10-25. It would have been obvious to one having ordinary skill in the art to employ hook fastener tapes, as taught by Shimizu, in the method of Tennby in order to achieve the predictable result of providing reusable fasteners on diapers since Tennby discloses that the invention can also be used within other areas in which one or more shorter pieces of material are to be fixed on one or more continuous webs.

However, Tennby does not disclose the cold pressing as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Inselmann.

Inselmann discloses a system for bonding textile sheet materials. As shown in Figs. 8-10 the system comprises hot pressing station 28 followed by a cold pressing station 63. See col. 6, lines 18-50. Such a cold pressing station inherently cools the materials and provides the predictable results of allowing faster discharge and stacking which increases production speed. For this reason, it would have been obvious to one having ordinary skill in the art to follow a hot press station (i.e. ultrasonic welder 18 in second station 6 of Tennby) with a cold pressing station, as taught by Inselmann, in the method of Tennby.

Response to Arguments

3. Applicant's arguments filed 10/06/2008 have been fully considered but they are not persuasive.

Applicant argues Tennby does not disclose the strips are basted and merely fixed in place by means of local melting and flow processes. The examiner does not agree. As described above, station 3 of Tennby employs ultrasonic welder 17 to attach strips 2 web 4. The ultrasonic welder applies ultrasonic vibrations to the materials and inherently creates local melting and flow processes in the manner claimed by the applicant. Therefore applicant's argument is not deemed persuasive.

Applicant argues Shimizu et al teaches a single method step to bond the materials. However, applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Shimizu is applied to show the hook fastener tapes recited in applicant's claims, not to show the number of bonding steps claimed by the applicant. The concept of multiple bonding steps is taught by Tennby. Therefore applicant's argument is not persuasive.

Applicant argues the purpose of Inselmann's cold pressing station is not described. Based on this lack of description, applicant asserts that the cold pressing station does not firmly bond the materials in the manner claimed by the applicant. The examiner does not agree. The purpose of Inselmann's cold pressing station can be inferred from the description. Inselmann describes cold pressing station 63 which

follows the hot pressing station 28. Materials being bonded are initially heated and pressed in station 28. Next, these materials are pressed at cold pressing station. Therefore cold pressing station inherently firmly bonds the materials in the manner claimed by the applicant. Therefore applicant's argument is not persuasive.

Telephone/Fax

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phil Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/James Sells/
Primary Examiner, Art Unit 1791